

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:05CR3039
)	
v.)	
)	
)	
THOMAS E. MILLER,)	
)	
Defendant.)	MEMORANDUM AND ORDER
)	

A hearing was held before me June 30, 2005 on allegations made in the amended petition for action on conditions of pretrial release. The defendant was present with standby counsel, and was advised of his rights. The defendant denied the allegations in the petition. Evidence was adduced, from which I find the defendant to be in violation of the conditions of his release, specifically those of Paragraph 7(x) of the Order Setting Conditions of Release, filing 7.

Regarding disposition, the government argued that the defendant should be detained until he complies with the order. The defendant stated that he believed he did not have to complete financial statements. That belief is incorrect, and defendant was so informed. Accordingly,

IT THEREFORE HEREBY IS ORDERED, The previous order releasing the defendant on conditions, filing 7, is amended in the following respects:

1. Paragraph 7(x) is amended to read:

On or before the close of business on July 19, 2005 Defendant shall file with the clerk of court, under seal, a full and current (as of June 30, 2005) statement of all assets, liabilities, monthly income and monthly expenses of defendant, his spouse, and any other entities, such as trusts, corporations, or otherwise, in which he or his spouse hold any interest, financial or otherwise. Such statement shall be signed by defendant under oath and/or penalty of perjury, and shall not be conditioned in any way. Failure to comply completely and unqualifiedly with this order will result in sanctions, revocation of the order or release, and/or contempt proceedings.

2. Paragraph 7(a) is amended to read:

Defendant shall report to the United States Pretrial Services Agency as directed by his supervising pretrial services officer. Defendant shall allow the officer upon his property and also report to the supervising officer's office as directed, without taking or threatening to take any actions that could be construed as threatening, intimidating, protesting, harassing, delaying or challenging the officer's prerogatives or obligations under this order. Failure to comply completely and unqualifiedly with this order will result in sanctions, revocation of the order or release, and/or contempt proceedings.

DATED June 30, 2005

BY THE COURT:

s/ *David L. Piester*
United States Magistrate Judge